

From: Sweeney, Stephen
To: Jeff Dillen - NOAA Federal
Sent: 8/6/2014 4:04:01 PM
Subject: RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Ex. 5 - Deliberative

From: Jeff Dillen - NOAA Federal [mailto:jeff.dillen@noaa.gov]
Sent: Wednesday, August 06, 2014 3:54 PM
To: Sweeney, Stephen
Subject: Re: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Ex. 5 - Deliberative

Jeff

On Wed, Aug 6, 2014 at 3:22 PM, Sweeney, Stephen <Sweeney.Stephen@epa.gov> wrote:

Ex. 5 - Deliberative

From: Carlin, Jayne
Sent: Wednesday, August 06, 2014 3:18 PM
To: Sweeney, Stephen; Wayne, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'
Cc: Hall, Lynda; Solloway, Chris; allison.castellan@noaa.gov
Subject: RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

What a relief! Appears we are in agreement.

Jayne Carlin, Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140
(206) 553-8512, (206) 553-0165 (fax)
carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>

From: Sweeney, Stephen

Sent: Wednesday, August 06, 2014 12:17 PM

To: Carlin, Jayne; Wayne, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

Cc: Hall, Lynda; Solloway, Chris; allison.castellan@noaa.gov

Subject: RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Ex. 5 - Attorney Client

From: Carlin, Jayne

Sent: Wednesday, August 06, 2014 3:14 PM

To: Sweeney, Stephen; Wayne, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

Cc: Hall, Lynda; Solloway, Chris; allison.castellan@noaa.gov

Subject: RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Ex. 5 - Attorney Client

Jayne Carlin, Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140
(206) 553-8512, (206) 553-0165 (fax)
carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>

From: Sweeney, Stephen

Sent: Wednesday, August 06, 2014 11:54 AM

To: Wayne, Don; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

Cc: Hall, Lynda; Solloway, Chris; Carlin, Jayne; allison.castellan@noaa.gov

Subject: RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Don,

Ex. 5 - Attorney Client

Steve

From: Waye, Don
Sent: Wednesday, August 06, 2014 2:01 PM
To: Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'
Cc: Hall, Lynda; Solloway, Chris; Carlin, Jayne; 'allison.castellan@noaa.gov'
Subject: RE: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Steve, JB & Jeff,

My apologies for burdening you with my previous email (below). I believe we have already discussed this question with you. Jayne reminded me of where we landed, which I agree with. No need for you to respond unless you disagree with the approach described below. Thanks.

From Jayne:

Ex. 5 - Deliberative

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: [202-566-1170](tel:202-566-1170)

From: Waye, Don
Sent: Wednesday, August 06, 2014 1:07 PM
To: Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'
Cc: Hall, Lynda; Solloway, Chris
Subject: Oregon CZARA Legal Question on mixing approval and disapproval decisions in the Jan. 2015 final decision document

Steve, JB & Jeff,

I am wondering how you think we should handle the scenario as we draft our Jan. 2015 decision document where we now believe Oregon has met one or more—but not all—of the management measures that provided the basis for our previous proposed finding (last December) that the state did not have an approvable CNPCP.

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

This gets tricky...

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: 202-566-1170

From: Waye, Don
Sent: Wednesday, August 06, 2014 12:54 PM
To: 'Allison Castellan - NOAA Federal'
Cc: Carlin, Jayne
Subject: RE: Briefing Updates for Mngt

I saw that she added the following 2 new bullet headings, but did not supply any information around them:

- Concern Raised in Proposed Decision:

And

- Concerns raised during public comment period:

For the first bullet, I'd say "None."

Ex. 5 - Deliberative

From: Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]
Sent: Wednesday, August 06, 2014 12:04 PM
To: Waye, Don
Cc: Carlin, Jayne; Henning, Alan; Wu, Jennifer; Solloway, Chris; Flahive, Katie; Melissa Rada - NOAA Affiliate
Subject: Re: Briefing Updates for Mngt

Yep. That was a big error on my part. Alan caught that yesterday and I already corrected. Thanks for taking a look. Do you have info on comments we received on new devel to add? See Jayne's added section for that.

On Wed, Aug 6, 2014 at 11:47 AM, Waye, Don <Waye.Don@epa.gov> wrote:
Allison,

Thanks for getting this going, Allison. My edits consisted of adding 3 letters to Jayne's revised version, as follows:

Forestry Landslides:

· Recommended Decision: **Dis**approve

See attached.

Don

From: Carlin, Jayne
Sent: Tuesday, August 05, 2014 8:32 PM
To: allison.castellan@noaa.gov
Cc: Henning, Alan; Waye, Don; Wu, Jennifer; Solloway, Chris; Flahive, Katie; Melissa Rada - NOAA Affiliate
Subject: RE: Briefing Updates for Mngt

I really like this document, Allison. See my comments and thoughts on the attached. Sorry about not providing a tracked version. I forgot to put the tracking feature on.

Jayne

Jayne Carlin, Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140
(206) 553-8512, (206) 553-0165 (fax)
carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>

From: Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]
Sent: Tuesday, August 05, 2014 12:52 PM
To: Carlin, Jayne
Cc: Henning, Alan; Waye, Don; Wu, Jennifer; Solloway, Chris; Flahive, Katie; Melissa Rada - NOAA Affiliate
Subject: Re: Briefing Updates for Mngt

My apologies. Please see this attachment.

On Tue, Aug 5, 2014 at 3:34 PM, Allison Castellan - NOAA Federal <allison.castellan@noaa.gov> wrote:
All--

After our call, I went ahead and converted my "issue" paper on unsolicited comments into a shorter "update" for mngt. In doing so, I went ahead and took a stab at some of the other "updates" we wanted to share related to new devel, landslides, and a general update on responding to comments (we didn't discuss but thought this would be helpful).

The new devel and landslides are more of place holders for now so topic leads please revise as necessary. Not sure if this is the right level of detail for not for these items.

Allison

On Tue, Aug 5, 2014 at 12:47 PM, Carlin, Jayne <Carlin.Jayne@epa.gov> wrote:
Hi Alan,

Great paper. See attached for another option to consider and very minor edits.

Jayne

Jayne Carlin, Watersheds Unit
US EPA, Region 10
1200 6th Ave, Suite 900 (OWW-134)
Seattle, WA 98101-3140

(206) 553-8512, (206) 553-0165 (fax)
carlin.jayne@epa.gov

<http://www.epa.gov/r10earth/tmdl.htm>

From: Henning, Alan

Sent: Tuesday, August 05, 2014 8:56 AM

To: Carlin, Jayne; Waye, Don; Croxton, Dave; Wu, Jennifer; allison.castellan@noaa.gov; Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate

Cc: Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal; Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

Subject: RE: Agenda for Aug 5 OR CZARA Call (10 AM WA/OR or 1 PM DC or Dave's Office)

Non-Responsive

All,

Attached is a more current "Forestry Riparian" Issues Document. This explores three different options vs one. Feel free to give me a call if you have any questions.

Alan

541-687-7360

From: Carlin, Jayne

Sent: Monday, August 4, 2014 6:56 PM

To: Waye, Don; Croxton, Dave; Henning, Alan; Wu, Jennifer; allison.castellan@noaa.gov; Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate

Cc: Psyk, Christine; Hall, Lynda; Joelle Gore - NOAA Federal; Sweeney, Stephen; Byrne, Jennifer; 'jeff.dillen@noaa.gov'

Subject: Agenda for Aug 5 OR CZARA Call (10 AM WA/OR or 1 PM DC Dave's Office)

Non-Responsive

OR CZARA

August 5 at 10 AM WA/OR or 1 PM DC

Non-Responsive

Agenda

Updates:

- Ø Status reports on Rationales/Comments/Issue Papers for:
 - Legal
 - Landslides

- OSDS,
- new development,
- pesticides
- ag
- riparian
- roads
- general

Ø Status report on:

- Written bimonthly update Emailed to NWEA
 - Issue list and leads (changes? Chris Solloway?)
 - Assigning unaddressed comment categories

Forestry/Riparian Issue Paper (see attached)

OSDS Issue Paper (Don will send)

Adequacy of OR's general monitoring and tracking efforts issue paper (see attached)

Action Items/Next Steps

OR CZARA EPA Penalties Paper (NOAA is excused)(see attached)

Upcoming Meetings

Aug 12: Prep for Managers Call: T-up issues that need to be elevated based on review of draft rationales/response to comments to date

Aug 14 Managers Call (Part 1)

Aug 19: Follow up from managers call; discuss any follow up issues that still need to be resolved based on review of draft rationales/response to comments to date

Aug 20 Managers Call (Part 2)

Aug 26: Lingering issues based on consolidated response to comments and decision rationale.

Jayne Carlin, Watersheds Unit
US EPA, Region 10

<http://www.epa.gov/r10earth/tmdl.htm>

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 Allison Castellan
 Coastal Management Specialist
 Office of Ocean and Coastal Resource Management N/ORM3
 National Oceanic and Atmospheric Administration, SSMC4
 Silver Spring, MD 20910
 Phone: 301-563-1125
 Fax: 301-713-4004
allison.castellan@noaa.gov
<http://coastalmanagement.noaa.gov>

Allison Castellan
Coastal Management Specialist
Office of Ocean and Coastal Resource Management N/ORM3
National Oceanic and Atmospheric Administration, SSMC4
Silver Spring, MD 20910
Phone: 301-563-1125
Fax: 301-713-4004
allison.castellan@noaa.gov
<http://coastalmanagement.noaa.gov>

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Coastal Management Specialist
Office of Ocean and Coastal Resource Management N/ORM3
National Oceanic and Atmospheric Administration, SSMC4
Silver Spring, MD 20910
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Fax: 301-713-4004
allison.castellan@noaa.gov
<http://coastalmanagement.noaa.gov>

